

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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**FILED**  
2007 JUL 30 PM 12:18 -PS-O-  
U.S. DISTRICT COURT  
W.D.N.Y. - BUFFALO

GLEN SMITH, 05B2120,

Plaintiff,

-v-

BRUCE W. STANTON, THOMAS J. BRUNER,  
CHEMUNG COUNTY and  
STATE OF NEW YORK,

Defendants.

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**DECISION and ORDER**  
07-CV-6352Fe

Plaintiff, who is incarcerated in the Five Points Correctional Facility, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has both met the statutory requirements and furnished the Court with a signed Authorization. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. In addition, plaintiff's complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

Pursuant to the Court's review, although plaintiff's claim for prospective injunctive relief may proceed, claims of monetary relief against the State of New York are barred by the Eleventh Amendment to the United States Constitution. Plaintiff's claim for monetary relief against the State of New York is dismissed.


The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

SO ORDERED.

Dated:

07/30, 2007  
Buffalo, New York

  
WILLIAM M. SKRETNY  
United States District Judge